

James L. Buchal, OSB No. 921618  
E-mail: jbuchal@mbllp.com  
MURPHY & BUCHAL LLP  
P.O. Box 86620  
Portland, OR 97286  
Tel: 503-227-1011

THE HONORABLE KARIN J. IMMERGUT

Derek Angus Lee, OSB No. 213139  
Email: angus@angusleelaw.com  
ANGUS LEE LAW FIRM, PLLC  
9105a NE Hwy 99, Ste. 200  
Vancouver, WA 98665  
Tel: 360-635-6464

Adam Kraut, *Pro Hac Vice*  
Email: akraut@saf.org  
SECOND AMENDMENT FOUNDATION  
12500 NE Tenth Place  
Bellevue, WA 98005

William Sack, *Pro Hac Vice*  
Email: Wsack@FPCLaw.org  
FIREARMS POLICY COALITION, INC.  
5550 Painted Mirage Road, Suite 320  
Las Vegas, NV 89149

William V. Bergstrom, *Pro Hac Vice*  
Email: wbergstrom@cooperkirk.com  
COOPER & KIRK, PLLC  
1523 New Hampshire Ave., N.W.  
Washington, DC 20036

*Attorneys for Plaintiffs Fitz & Azzopardi et al.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,  
*et al.*,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 2:22-cv-01815-IM (Lead Case)  
3:22-cv-01859-IM (Trailing Case)  
3:22-cv-01862-IM (Trailing Case)  
3:22-cv-01869-IM (Trailing Case)

**THE FITZ AND AZZOPARDI  
PLAINTIFFS' UNOPPOSED MOTION  
FOR A PROTECTIVE ORDER**

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MARK FITZ, *et al.*,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, *et al.*,

Defendants.

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KATERINA B. EYRE, *et al.*,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, *et al.*,

Defendants,

and

OREGON ALLIANCE FOR GUN SAFETY,

Intervenor-Defendant.

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DANIEL AZZOPARDI, *et al.*,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, *et al.*,

Defendants.

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### **Local Rule 7.1 Certification**

I certify that in compliance with Local Rule 7.1, the undersigned counsel has conferred with counsel for defendants and defendant-intervenors, by providing e-mails (1) indicating an intent to move for the protective order and (2) the draft motion papers and order. The *OFF* and *Eyre* plaintiffs do not object, and the defendants and defendant-intervenor Oregon Alliance for Gun Safety take no position on the request.

### Motion and Memorandum

For reasons explained in the accompanying Declaration of Matthew French, the proposed protective order attached hereto as Exhibit 1 should be filed and entered by the Court. It is “well-settled that the Court has the authority to shield proprietary information related to the ongoing operations of a business from public review.” *Sitton v. LVMPD*, No. 2:17-cv-00111-JCM-VCF, 2020 U.S. Dist. LEXIS 170877, at \*5 (D. Nev. Sep. 16, 2020) (quoting *United States EEOC v. ABM Indus.*, No. 1:07-cv-01428 LJO JLT, 2010 U.S. Dist. LEXIS 143570, at \*17 (E.D. Cal. Mar. 3, 2010)). There is no reason that details of particular plaintiff’s sales or holdings of weapons need to be released to the public, particularly at this state of the litigation, and “the public interest weighs in favor of protecting businesses from misappropriation and unfair competition.” *PerkinElmer Health Scis. v. Salem*, No. CV 21-1619-DMG (KSx), 2021 U.S. Dist. LEXIS 122148, at \*11 (C.D. Cal. Apr. 9, 2021).

The provisions of the proposed order attached hereto are identical to the “Tier 1” protective order form on this Court’s website, with modifications to the beginning and end to show that the Order was not stipulated, but sought by motion.

### Conclusion

For the foregoing reasons, the proposed Protective Order should be entered.

Dated: April 12, 2023.

Respectfully submitted,

s/ James L. Buchal  
James L. Buchal, OSB No. 921618  
E-mail: jbuchal@mbllp.com  
MURPHY & BUCHAL LLP  
P.O. Box 86620  
Portland, OR 97286

Derek Angus Lee, OSB No. 213139  
Email: angus@angusleelaw.com  
ANGUS LEE LAW FIRM, PLLC  
9105a NE Hwy 99, Ste. 200  
Vancouver, WA 98665

William Sack, *Pro Hac Vice*  
Email: [Wsack@FPClaw.org](mailto:Wsack@FPClaw.org)  
FIREARMS POLICY COALITION, INC.  
5550 Painted Mirage Road, Suite 320  
Las Vegas, NV 89149

Adam Kraut, *Pro Hac Vice*  
Email: [akraut@saf.org](mailto:akraut@saf.org)  
SECOND AMENDMENT FOUNDATION  
12500 NE Tenth Place  
Bellevue, WA 98005

William V. Bergstrom, *Pro Hac Vice*  
Email: [wbergstrom@cooperkirk.com](mailto:wbergstrom@cooperkirk.com)  
COOPER & KIRK, PLLC  
1523 New Hampshire Ave., N.W.  
Washington, DC 20036

*Attorneys for Plaintiffs Fitz & Azzopardi et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2023, the foregoing **THE *FITZ AND AZZOPARDI*** **PLAINTIFFS' UNOPPOSED MOTION FOR A PROTECTIVE ORDER** will be electronically mailed to all parties enrolled to receive such notice in lead case no. 2:22-cv-01815-IM and in the trailing consolidated case nos. Case No. 3:22-cv-01859-IM, 3:22-cv-01862-IM, and 3:22-cv-01869-IM.

s/ James L. Buchal  
James L. Buchal, OSB No. 921618  
*Attorney for Plaintiffs Fitz & Azzopardi et al.*